

# **PL ANNING BOARD MINUTES**

**May 9, 2007**

**Board members present:**

**Art Weber, Chairman   Ron Wolanski, Town Planner**

**John Tucker, Vice Chairman   Frank Holbrook, Town Solicitor**

**Richard Adams**

**Audrey Rearick**

**Frank Forgue**

**Jan Eckhart**

**Betty Jane Owen**

**The meeting was called to order at 6:30 pm.**

## **Minutes**

**Motion by Ms. Rearick, seconded by Ms. Owen, to approve the minutes of the April 11, 2007 regular meeting. Vote 7-0-0.**

## **Old Business**

**1. Public Hearing (continued) - George P. Lewis, Proposed 4-lot minor subdivision & extension of Trout Dr., Plat 125, Lot 935, Preliminary Plan**

**Mr. Wolanski stated that he had received a phone call from the applicant's attorney, Mr. Bardorf, requesting that the matter be continued to the next regular Planning Board meeting. The applicant**

is working to develop revised plans based on previous Planning Board comments.

Motion by Ms. Rearick, seconded by Mr. Forgue, to continue the discussion of the matter and the public hearing to the June 13, 2007 Planning Board meeting. Vote: 7-0-0.

**2. Public Hearing (continued) - Karmik, LLC, Proposed 6-lot major subdivision, Plat 120 Lot 46, Prospect Ave. & Aquidneck Ave.**

**Request for Preliminary Plan approval**

Mr. Weber stated that the Board had received a letter from the applicant's attorney, Mr. Silva, requesting a continuance of this matter to the June Planning Board meeting.

Motion by Mr. Tucker, seconded by Ms. Rearick, to continue this matter, keeping the public hearing open, to the June 13, 2007 Planning Board meeting. Vote: 7-0-0.

**3. Barbara Brushett, proposed 2-lot minor subdivision, 25 Oliphant Lane, Plat 111, Lot 6B. Preliminary Plan**

The applicant's engineer, Lyn Small, PE, was present.

Mr. Weber stated that a site visit had been conducted. He referenced the plan deficiencies listed in the Town Planner's memo of May 1, 2007.

Ms. Small stated that the plans will be revised to address the deficiencies.

There was discussion of the proposed conditions of approval.

Motion by Mr. Tucker, seconded by Ms. Rearick, to grant final plan approval subject to the following conditions:

**1. Prior to recording the final plan, the plan must be revised to include**

the locations for permanent wetland boundary markers along the limits of the existing maintained area as approved by RIDEM.

2. Prior to recording the final plan, permanent markers must be placed along the wetland buffer at the limits of the existing maintained area approved by RIDEM to provide notice to future property owners. The markers shall be of granite extending to at least 24 inches above grade and permanently labeled "RIDEM Buffer Zone".

3. Prior to recording, the plan must be amended to tie the survey to the RI State Plane Coordinates System.

4. Prior to recording, if available, the final plan must be provided to the Planning Department in electronic (Auto-CAD) format.

**Vote: 7-0-0**

4. James S. Holmes, Proposed 2-lot Minor Subdivision, Mitchell's Lane (Plat 123, Lot 6), Preliminary Plan

Mr. Wolanski stated that he had received a call from the applicant's attorney, Mr Palumbo. He was not able to attend that meeting but requested that the Board continue the matter to the June meeting. The applicant is in the process of getting a biologist to flag the wetlands on the property.

Motion by Ms. Rearick, seconded by Ms. Owen, to continue the matter to the June 13, 2007 Planning Board meeting. **Vote: 7-0-0**

5. Patrick Baker, Proposed 2-lot Minor Subdivision, Miantonomi Ave (Plat 108SW, Lot 163), Preliminary Plan

Attorney David Martland represented the applicant. He requested that the Board consider granting conditional preliminary approval. The

**applicant has requested the necessary zoning relief from the Zoning Board of Review.**

**Mr. Wolanski stated that the preliminary plan application remains incomplete. If conditional approval is to be granted, deficiencies should be addressed as conditions of the approval.**

**Motion by Mr. Eckhart, seconded by Ms. Rearick, to grant conditional preliminary plan approval subject to the following conditions:**

**1. The plan would result in the creation of lots that do not conform to the dimensional requirements of the Middletown Zoning Ordinance. Relief granted by the Zoning Board of Review would be required prior to final approval.**

**2. Prior to final plan approval, certification from the appropriate utilities that the proposed new building lot could be served by public water and sewer must be provided.**

**3. Prior to final plan approval certification from the Tax Collector indicating that taxes on the subject property are current must be provided.**

**4. Regarding the requirement for storm water drainage plans, the following note must be added to the plan: “All development must comply with provisions of Town Code Chapter 151, Construction Site Runoff Control, and Chapter 153, Storm Water Control Ordinance.”**

**5. Development of the proposed new building lot would be subject to development impact fees. The following note must be added to the plan: “The Town has implemented development impact fees which apply to any new commercial and residential development in town. Impact fees as specified in Town Code Chapter 150 will be assessed**

**at the time of development of proposed parcel B.”**

**6. Prior to final plan approval one of the dwelling units in the existing two-family dwelling must be eliminated subject to certification by the Building/Zoning Official. No more than one dwelling unit may be allowed on each of the resulting lots.**

**Vote: 7-0-0.**

**6. Peter Gallipeau, Saltwood Farm Subdivision, Sachuest Drive, Plat 126, Lot 4, Review of proposed fire protection cistern.**

**Peter Gallipeau was present and presented a plan to install a cistern in Sachuest Drive to address a condition of approval for the Saltwood Farm Subdivision. He suggested that the final location of the cistern is flexible depending on the preference of the DPW and Fire Department. The specifications for the cistern have been reviewed by the Fire Department.**

**There was discussion of the possible locations for the cistern.**

**Mr. Wolanski stated that condition #3 of the subdivision approval requires that the specifications and location of the cistern be approved by the Planning Board, Town Engineer, and Fire Dept.**

**Motion by Mr. Tucker, seconded by Ms. Rearick, to approve the proposed cistern, subject to final review and approval of the specifications and location by the Fire Department and Town Engineer. Vote: 7-0-0.**

**7. Jose L. Gomes - Proposed 2-lot Minor Subdivision, Jepson Lane (Plat 117, Lot 84) – Final Plan.**

**Attorney David Martland represented the applicant. He stated that his client is in the process of preparing the final plan for the subdivision.**

He requested that the matter be continued to the Board's June meeting.

Motion by Mr. Tucker, seconded by Ms. Rearick, to continue the matter to the June 13, 2007 Planning Board meeting. Vote: 7-0-0.

8. Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1501 of the Zoning Ordinance regarding a request for approval for multi-family residential development – 985 East Main Road, LLC, Request to develop a 36-unit multi-family dwelling project, located at 985 East Main Rd., Plat 118, Lot 20.

Mr. Weber recused himself from the discussion. Vice-chairman Mr. Tucker presided.

Attorney David Martland represented the applicant.

Mr. Tucker stated that due to the need to review revised materials a subcommittee review should be scheduled and the matter continued to the June Planning Board meeting.

There was discussion of the need for relief from zoning ordinance requirements by the Zoning Board of Review in order to allow for the proposed development.

Mr. Wolanski stated that the Board must provide an advisory recommendation on the special use permit request and the site plan. The Board may also offer recommendations on the variance requests if it so chooses.

Mr. Martland indicated his willingness to meet with abutting property owners, some of whom were in attendance, to describe the proposal.

By consensus the matter was continued to the June 13, 2007

**Planning Board meeting. The Board will meet as a subcommittee to review and consider technical aspects of the proposed plans on May 22, 2007 at 10am at the Town Hall.**

**9. Child & Family Services, Request for Development Plan Review, referral by the Technical Review Committee.**

**Attorney David Martland represented the applicant. He requested that the matter be continued in order to allow his client to address comments received from the Town's consulting engineer.**

**Motion by Ms. Rearick, seconded by Mr. Tucker, to continue this matter to the June 13, 2007 Planning Board meeting. Vote: 7-0-0.**

**10. Nextel Communications (WM Hotel Group, LLC). 317 West Main Rd., Rooftop wireless telecommunications facility. Plat 108, Lot 131. Discuss installation.**

**Mr. Weber stated that he had a discussion with the Building/Zoning Official regarding the installation of the facility on the roof of the Hampton Inn. He was advised that the project is consistent with the approvals granted by the Town Center Review Board and the Zoning Board of Review. There appears to be no need for further action.**

**Mr. Wolanski suggested that in the future the Board not approve or recommend approval of an application unless the full construction or site plans are available for review.**

**11. Update – Conservation Subdivision ordinance amendment**

**12. Update – Preparation of draft mixed-use zoning ordinance amendment**

**There was discussion that both the draft conservation ordinance and the mixed-use ordinance have been forwarded to the Zoning Board of**

**Review. The anticipated joint meeting of the Zoning Board, Planning Board, and Town Council has been postponed.**

**Mr. Weber suggested that the Planning Board proceed with a special meeting to discuss these items. Members of the Zoning Board of review should be invited.**

**By consensus the Board scheduled a special meeting to be held on May 22, 2007 at 5pm. Mr. Wolanski will inform the Building/Zoning Official of the meeting.**

### **13. Update – Atlantic Beach District Master Plan**

**Mr. Wolanski stated that the consultants have proposed that the second public meeting be held on the evening of May 24th.**

**The Board agreed that the meeting should be held on May 24, 2007 at 6:30pm in the Council Chambers.**

### **New Business**

**14. David Leys, Jr., Request for combined preliminary and final plan approval for a 2-lot subdivision, Tuckerman Ave., Plat 116SE, Lot 109. The applicant, Mr. Leys, was present.**

**Mr. Weber stated that as is the usual practice of the Board, a site visit will be conducted prior to consideration of the application.**

**By consensus the Board continued the matter to the June 13, 2007 Planning Board meeting, and scheduled a site visit for May 23rd at 10am.**

**15. Love Realty Trust II, Forest Commons, Request for administrative subdivision plan approval to merge four lots, Forest Ave., Plat 113, Lots 3, 3A, 3B, & 5.**

**There was nobody present to represent the applicant.**



**Mr. Wolanski stated that the administrative subdivision would result in the merger of four parcels to allow for the development of the previously approved 60-unit senior independent living facility on the site. While the plan is complete, the applicant has yet to provide the easement documents relating to the proposed emergency access to Buck Road through the property, and for drainage easements for storm water runoff from abutting town-owned properties.**

**Motion by Mr. Eckhart, seconded by Mr. Weber, to approve the administrative subdivision plan subject to necessary easement documents being provided for review and approval by the Town Solicitor prior to recording. Vote: 7-0-0.**

**16. Review of proposed Community Development Block Grant (CDBG) application for consistency with the Middletown Comprehensive Community Plan.**

**Mr. Wolanski explained that each year the Town applies for CDBG funding for projects that benefit Middletown's low-income residents. The Planning Board must review the list of projects and certify that the list is consistent with the town's Comprehensive Community Plan.**

**Mr. Wolanski stated that it appears that there are no projects that would be inconsistent with the comprehensive plan.**

**The Board reviewed the list.**

**Motion by Mr. Forgue, seconded by Ms. Owen, to find that the list of projects to be included in the Town's CDBG application is consistent with the goals and policies of the Middletown Comprehensive Community Plan. Vote: 7-0-0**

## **17. Consideration of proposed amendments to the Middletown Zoning Ordinance.**

**Mr. Wolanski referenced the items listed in his memo to the Board dated May 3, 2007. There are several amendments to the recently adopted Zoning Ordinance that should be considered.**

**There was discussion of a proposed amendment to the Zoning Map requested by Attorney Patrick Hayes, Jr. on behalf of his client, Landings Development, to rezone the former Anchorage housing area from Public (P) to Multi-family residential (RM).**

**There was discussion of the issues relating to the current status of the property as a non-conforming use. Mr. Wolanski stated that the request may also require a Comprehensive Plan amendment.**

**The Board decided that it would focus on the map amendment first, with the other items to follow at a later date.**

**By consensus the Board scheduled a special meeting to review the proposed map amendment for May 24, 2007 at 10am.**

**Motion by Ms. Rearick, seconded by Ms. Owen, to adjourn. Vote: 7-0-0**

**The meeting adjourned at 7:20pm**